

## REMARKS

Claims 1-51 are pending in the present application.

This Amendment is in response to the Office Action mailed November 19, 2002. In the Office Action, the Examiner objected to the drawings, rejected claims 1-7, 10-15, 18-24, 27-32, 35-41, and 44-49 under 35 U.S.C. §102(b); and claims 8-9, 16-17, 25-26, 33,-34, 42,43, and 50-51 under 35 U.S.C. §103(a). Applicants have canceled claims amended claims 1, 3, 10, 18, 20, 27, 35, 37, and 44. Applicants submit that the newly-added claims introduce no new matter. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### I. DRAWINGS

In the Office Action, the drawings were objected to in light of cited informalities. In particular, the Examiner stated that the reference label 113 is missing. In response, Applicants have amended the specification to change the label 113 to 112. Accordingly, Applicants respectfully request the objection to the drawings be withdrawn

### II. REJECTION UNDER 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 1-7, 10-15, 18-24, 27-32, 35-41, and 44-49 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,090,011 issued to Fukuta et al. ("Fukuta"). Applicants respectfully traverse the and contends that the Examiner has not met the burden of establishing a prima facie case of anticipation.

Fukuta discloses a packet congestion control method and packet switching equipment. When a congestion occurs, a congestion indicator is added to a packet destined for the congested output line and the resultant packet is switched to be sent out to the transmission source of the packet (Fukuta, col. 4, lines 55-62). In other words, the congested indicator is simply returned back to source of the packet. It is not advertised or broadcast to other nodes in the network.

Independent claims 1, 10, 18, 27, 35, and 44 have been amended to recite broadcasting a congestion status to clarify the claim language. This feature is not disclosed in Fukuta. Fukuta merely discloses returning a congestion indicator to the transmission source of the packet.

For the similar reason, dependent claims 2-9, 11-17, 19-26, 28-34 which depend on independent claims 1, 10, 18, 27, 25, 44, respectively are distinguishable from the cited prior art references.

Therefore, Applicants believe that independent claims 1, 10, 18, 27, 35, 44 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(b) be withdrawn.

### III. REJECTION UNDER 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 8-9, 16-17, 25-26, 33,-34, 42,43, and 50-51 under 35 U.S.C. §103(a) as being unpatentable over Fukuta in view of U.S. Patent No. 6,456,600 issued to Rochberger et al. ("Rochberger"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

Fukuta discloses a packet congestion control method and packet switching equipment as discussed above.

Rochberger discloses a complex node representation in an asynchronous transfer mode PNNI network. The method determines the summary information for default spokes, exceptions and bypasses in a way that better represents the metrics associated with the peer groups (Rochberger, col. 6, lines 34-36).

Fukuta and Rochberger, taken alone or in any combination, does not disclose, suggest, or render obvious broadcasting a congestion status of a PNNI node to other nodes. There is no motivation to combine Fukuta and Rochberger because neither of them addresses the problem of broadcasting a congestion status. Fukuta merely discloses returning a congestion indicator to the transmissions source of the packet (Fukuta, col. 4, lines 60-62). Fukuta merely discloses a packet switch using a frame relay transfer method (Fukuta, col. 4, lines 1-33). Rochberger merely disclose representing a complex node. There is no suggestion to broadcast a congestion status of a PNNI node.

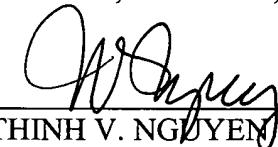
Therefore, Applicants believe that independent claims 1, 10, 18, 27, 35, 44 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection(s) under 35 U.S.C. §103(a) be withdrawn.

**CONCLUSION**

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

  
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THINH V. NGUYEN

Reg. No. 42,034

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12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025  
(714) 557-3800